

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,	)	
	)	No. CR-07-059-JLQ
Plaintiff,	)	
	)	ORDER GRANTING DEFENDANT'S
v.	)	MOTION AND SETTING
	)	CONDITIONS OF RELEASE
JESUS GUZMAN,	)	
	)	
Defendants.	)	
	)	

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At the May 1, 2007, hearing on Defendant's Motion to set release conditions (Ct. Rec. 27), Defendant was present with counsel Frank Cikutovich. Assistant U.S. Attorney Aine Ahmed represented the United States. The United States opposed Defendant's release.

The court has reviewed the Pretrial Services Report, the Supplemental Pretrial Services Report, and file documents.

The court finds Defendant has completed a chemical dependency evaluation. Defendant has a prior conviction for possession of cocaine, and treatment has been recommended. He has support from his family and can live at his mother's residence with his spouse, children and siblings.

**IT IS ORDERED** Defendant's Motion (Ct. Rec. 27) is **GRANTED**. Defendant shall be released on the following conditions:

1. Defendant shall participate in intensive outpatient treatment. Prior to release, an appointment for Defendant's first

1 intensive outpatient treatment session must be made by Defendant and  
2 confirmed by Pretrial Services. Pretrial Services also shall  
3 confirm that funding is available. The treatment program must be in  
4 place and Defendant shall not be released until the day of his first  
5 appointment. **If Defendant fails in any way to comply or cooperate**  
6 **with the requirements of the outpatient treatment program, Pretrial**  
7 **Services and the parties are directed to immediately notify the**  
8 **court. Treatment shall not interfere with the Defendant's court**  
9 **appearances.** Full mutual releases shall be executed to permit  
10 communication between the court, Pretrial Services, and the  
11 treatment vendor. If random urinalysis testing is not conducted by  
12 the treatment provider, Defendant shall be subject to random  
13 urinalysis testing by the United States Probation Office, not to  
14 exceed six times a month.

15 2. **Except for 1½ hours each week for attendance at spiritual**  
16 **services, court-related appearances, and outpatient treatment**  
17 **appointments, the Defendant shall remain under home detention.** The  
18 Defendant shall participate in a program of electronically monitored  
19 home confinement. The Defendant shall wear, at all times, an  
20 electronic monitoring device under the supervision of U.S.  
21 Probation. In the event the Defendant does not respond to  
22 electronic monitoring or cannot be found, U.S. Probation Officers  
23 shall forthwith notify the United States Marshals' Service, who  
24 shall immediately find, arrest and detain the Defendant. \*The  
25 Defendant shall be responsible for all costs of electronic  
26 monitoring.

27 3. Defendant shall not commit any offense in violation of  
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1 federal, state or local law.

2 4. Defendant shall advise the court and the United States  
3 Attorney in writing before any change in address, and he must have  
4 prior permission from the court to change addresses.

5 5. Defendant shall appear at all proceedings and surrender as  
6 directed for service of any sentence imposed.

7 6. Defendant shall sign and complete form A.O. 199C before  
8 being released and shall reside at the address furnished, which is  
9 his mother's residence.

10 7. Defendant shall remain in the Eastern District of  
11 Washington while the case is pending. On a showing of necessity,  
12 Defendant may obtain prior written permission to leave this area  
13 from the United States Probation Office.

14 8. Defendant shall not be employed until given permission by  
15 his outpatient treatment provider and Pretrial Services.

16 9. Defendant shall not possess a firearm, destructive device  
17 or other dangerous weapon.

18 10. Defendant is further advised, pursuant to 18 U.S.C. §  
19 922(n), it is unlawful for any person who is under indictment for a  
20 crime punishable by imprisonment for a term exceeding one year to  
21 ship or transport in interstate or foreign commerce any firearm or  
22 ammunition or receive any firearm or ammunition which has been  
23 shipped or transported in interstate or foreign commerce.

24 11. Defendant shall refrain from the use of alcohol, and the  
25 use or possession of a narcotic drug and other controlled substances  
26 defined in 21 U.S.C. § 802, unless prescribed by a licensed medical  
27 practitioner. **There shall be no alcohol or unlawful drugs in the**  
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1 **Defendant's residence.**

2 12. Defendant's sister, a Co-Defendant, also lives at the  
3 Defendant's mother's residence. Defendant shall not discuss this  
4 case with Co-Defendants.

5 13. Defendant shall appear for a status conference on **June 11,**  
6 **2007, at 10:30 a.m.,** before the undersigned.

7 14. Defendant shall report to the United States Probation  
8 Office before or immediately after his release and shall report as  
9 often as they direct, at such times and in such manner as they  
10 direct, but at least three times a week by telephone. Defendant  
11 shall contact his attorney at least twice a week.

12 15. **Prior to release,** Defendant shall sign a copy of this  
13 Order, to be kept in Pretrial Services' file, to reflect he has read  
14 and understands these conditions of release.

15 **Defendant is advised a violation of any of the foregoing**  
16 **conditions of release may result in the immediate issuance of an**  
17 **arrest warrant, revocation of release and prosecution for contempt**  
18 **of court, which could result in imprisonment, a fine, or both.**  
19 **Specifically, Defendant is advised a separate offense is established**  
20 **by the knowing failure to appear and an additional sentence may be**  
21 **imposed for the commission of a crime while on this release. In**  
22 **this regard, any sentence imposed for these violations is**  
23 **consecutive to any other sentence imposed.**

24 **IT IS FURTHER ORDERED** the United States Marshal shall keep  
25 Defendant in custody until notified by the District Court Executive  
26 or judicial officer that Defendant has posted bond and/or complied  
27 with all other conditions for release. Until such time, Defendant  
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1 shall be produced before the appropriate judicial officer at the  
2 time and place specified.

3 DATED May 14, 2007.

4  
5 S/ CYNTHIA IMBROGNO  
6 UNITED STATES MAGISTRATE JUDGE  
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